

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

Byron White United States Courthouse  
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Christopher M. Wolpert  
Clerk of Court

Jane K. Castro  
Chief Deputy Clerk

September 22, 2021

Ms. Theresa M. Duncan  
Duncan Earnest  
P.O. Box 2769  
Santa Fe, NM 87102

**RE: 21-2108, United States v. Livingston**  
Dist/Ag docket: 1:20-CR-00316-WJ-1

Dear Counsel:

Your appeal has been docketed, and the appeal number is above. **Within 14 days** from the date of this letter, Appellant's counsel must electronically file:

- **An entry of appearance** per 10th Cir. R. 46.1(A).
- **A docketing statement** per 10th Cir. R. 3.4.
- **A transcript order form or notice that no transcript is necessary** per 10th Cir. R. 10.2. This form must be filed in **both** the district court and this court.
- **A designation of record** per 10th Cir. R.10.3(A). This form must be filed in **both** the district court and this court.
- ***Either a motion to continue your CJA appointment, or a motion to withdraw*** per 10th Cir. R. 46.3(B).
- **Please note:** A defendant-appellant's trial counsel in criminal and post-conviction cases **must** perfect the appeal before seeking to withdraw. This is the case even if counsel did not file the notice of appeal. Perfecting the appeal requires filing, at a minimum, an entry of appearance and a docketing statement. 10th Cir. R. 46.3(A).

**Also within 14 days**, Appellee's counsel must electronically file an entry of appearance.

The [Federal Rules of Appellate Procedure](#), the [Tenth Circuit Rules](#), and [forms](#) for the aforementioned filings are on the court's [website](#). The Clerk's Office has also created a set of [quick reference guides](#) and [checklists](#) that highlight procedural requirements of appeals filed in this court.

Please contact this office if you have questions.

Sincerely,



Christopher M. Wolpert  
Clerk of Court

cc: David Patrick Cowen  
Frederick T Mendenhall III

CMW/jjh